

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ABDUL HOWARD,

Plaintiff,

v.

NAPHCARE et al.,

Defendants.

Case No. 2:16-cv-00265-RFB-NJK

ORDER

I. DISCUSSION

Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma pauperis* and submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 1-1). This Court denied the application to proceed *in forma pauperis* without prejudice because the application was incomplete. (ECF No. 2 at 2). The Court directed Plaintiff to file a fully complete application to proceed *in forma pauperis* within 30 days from the date of that order. (*Id.*)

On February 23, 2016, Plaintiff filed a motion to dismiss his civil complaint against Naphcare and other defendants. (ECF No. 3 at 1). Plaintiff explained that defendants had stopped charging him in an extorting manner. (*Id.*) Plaintiff seeks dismissal. (*Id.*) The Court construes Plaintiff's motion as a motion for voluntary dismissal.

Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party

1 serves either an answer or a motion for summary judgment.” Fed. R. Civ. P.
2 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action
3 because no responsive pleading has been filed in this case. As such, the Court
4 dismisses this action without prejudice.

5 **II. CONCLUSION**

6 For the foregoing reasons, it is ordered that the motion for voluntary dismissal
7 (ECF No. 3) is granted.

8 It is further ordered that this action is dismissed in its entirety without prejudice.

9 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

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11 DATED THIS 26th day of February 2016.



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13 RICHARD F. BOULWARE, II
14 United States District Judge
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